

# The 2023 to 2024 Funding Rules

**DRAFT 1 as at 31 March 2023**

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# Agenda



Introduction & Overview

New Rules

Clarifications

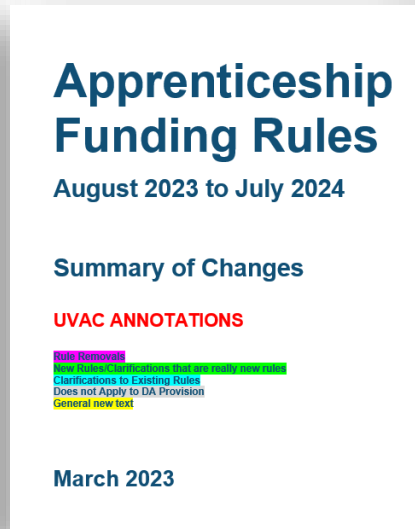
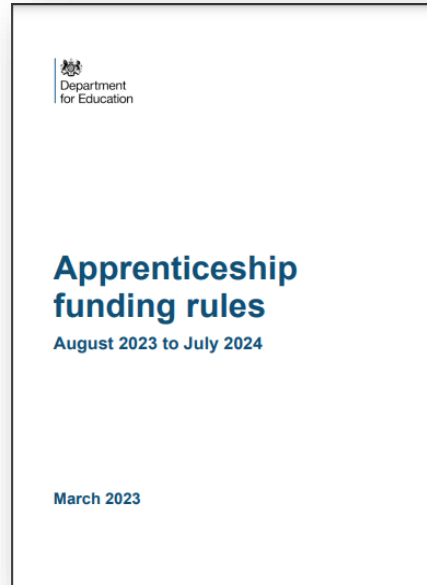
Consultation

Resources & Next Steps

# Documents & Links

<https://www.gov.uk/guidance/apprenticeship-funding-rules#to-2024-rules>

Those taking part in the portable flexi-job apprenticeships pilot must also refer to the supplemental funding rules for employers / providers delivering the pilots.



ESFA 2023/2024 Draft V1 Funding Rules Evidence Checklist

**UVAC ANNOTATIONS**

- Rule Removals
- New Rules/Clarifications that are really new rules
- Clarifications to Existing Rules
- Does not Apply to DA Provision
- General new text

Funding Rules Area	Page	Evidence – The Provider has...	Evidence – The Employer has...
Learner Eligibility	11	<ul style="list-style-type: none"> <li>Providers must retain evidence of an individual's eligibility for apprenticeship funding as per paragraphs 20 to 23 including:                             <ul style="list-style-type: none"> <li>Confirmation that the provider has seen the learner's identity documents or immigration permission to verify their residency eligibility in line with Annex A.</li> <li>Confirmation of the apprentice's date of birth.</li> <li>Confirmation that the provider is satisfied the learner is eligible for funding and (where necessary) where a learner's permission to stay has expired they must hold evidence that an application to remain has been made.</li> <li>Evidence that the apprentice will spend at least 50% of their working hours in England over the duration of the apprenticeship including time spent on off-the-job training. Where the business footprint is larger than England this could include a roster for a typical month for the apprentice along with written confirmation from the employer.</li> <li>Evidence of employment from the apprentice's employer – this must confirm that the apprentice is employed by that employer or a connected company or charity as defined by HMRC.</li> </ul> </li> <li>Confirmation that the apprentice is not.</li> </ul>	

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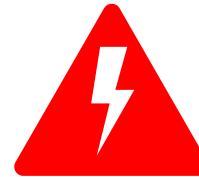
# Rule Change Impact



High Impact/High Risk - direct and immediate impact on funding claim and / or internal budget and resourcing levels



Additional information sought, concerns or questions to be raised with the ESFA



Feedback to ESFA - asking for changes to the Funding Rules final draft in May



Medium Impact – significant changes to procedures, documentation, evidence, policies



Low Impact – low level changes, or will apply to a small proportion of employers, apprentices or apprenticeships.

## UVAC ANNOTATIONS

Rule Removals

New Rules/Clarifications that Rules

Clarifications to Existing Rules

Does not Apply to DA Provision

General new text

# UVAC

UNIVERSITY VOCATIONAL AWARDS COUNCIL

# Understanding the Terminology

## New rule:

- We use this term to describe new rules that are developed in line with new policy, changes to existing policy, or changes to operational processes. The term describes new actions we expect a relevant individual or organisation to undertake in order to be compliant.

## Clarification:

- We use this term to describe the rewording of existing rules for ease of understanding or for the inclusion of a rule that explicitly states, reinforces, or emphasises the implicit actions that should already be taken in order to be compliant with the entirety of the funding rules.

## Restructure:

- We use this term to describe areas where we have moved rules for ease of understanding.

## New content:

- We will use this term to confirm when we have added something new.

# Summary

## Drivers :

- Bureaucracy reduction / simplification – for us and the ESFA – one single document
- Outcomes of consultations with stakeholders –including UVAC
- Closer work with the Auditors
- Response to compliance themes

## Changes in Short:

- Mandatory 12 week Tri-partite progress review softened
- Active Learning every 4 weeks turned into once every month
- Flexibility in getting signed documents before the start of the apprenticeship
- Flexibility in employer attendance at tri-partite progress review /INA
- Those taking part in the portable flexi-job apprenticeships pilot must also refer to the supplemental funding rules for employers / providers delivering the pilots.
- Some helpful rule / evidence removals and transfers

# What is Immediately Different

- 1 ONE DOCUMENT - for employer, provider and employer provider-text clear where difference  
Self Assessment Report needed
- 2 CLEARER FORMAT - 'more white space', fewer words
- 3 SIMPLIFIED LANGUAGE - a 'line by line' review of the rules has consolidated each point,  
removed duplication
- 4 SECTION FOR EVIDENCE REQUIREMENTS – collated at the end of each section
- 5 EVIDENCE LINKED TO AUDIT - x rule 'added due to compliance work' 'or a following observed  
sector practice, feedback and / or questions.and a commitment to ensure that the Rules align
- 6 JOINT ACCOUNTABILITY - 'We reserve the right to take action where a provider breaches their  
funding agreement and/or an employer breaches their employer agreement.
- 7 Applies to all apprenticeship programmes starting on or after 1 August 2023 – needs  
backdating

# DELETED OR MOVED RULES



# Rule Removals – Recruit an Apprentice

- This will be transferred to the [provider agreement](#)

## 2022/2023 Rules said:

P21 You must offer the employer the option of using the free Recruit an apprentice service, for all new recruits into their business.

P21.1 Recruit an apprentice is the official government service for posting and managing apprenticeship vacancies ('Find an apprenticeship' is the corresponding candidate portal).

P21.2 The employer can either create their own apprenticeship advert or they can give you 'recruitment permission' to create an advert on their behalf.

P21.3 It is not mandatory for employers to use this service. However, where an employer does not use this service, you must record the reason for this; this can be recorded at either learner or employer level. We will ask for this information to be returned to us periodically and we will use this information, along with other employer survey data, to improve usage of the service.

P21.4 You do not need to offer Recruit an apprentice for existing members of staff (i.e. where there is no apprenticeship vacancy).

P21.5 Where you advertise a vacancy on Recruit an apprentice, on behalf of an employer, you must make it clear in the advert how many hours the apprentice will be expected to work per week for the role and how long the apprenticeship will last. This must meet the minimum duration requirements (see paragraphs P35 to P39)



*I have been offered the option of using the 'Recruiting an Apprentice' service to support recruiting my apprentice(s) which we have chosen not to use on this occasion because:*

- This is an internal staff only recruitment exercise*
- We do not recruit through third party websites*
- Our recruitment is already underway*
- We have an existing recruitment process for apprenticeships and do not require additional assistance*
- We use a specific contracted recruitment agency and do not require additional assistance*
- Other \_\_\_\_\_*

# Rule Removals - Reference to 'On-the-Job Training'

- 'Where this is required, this is the employer's responsibility and is not funded by the apprenticeship funding band'

## 2022/2023 Rules said:

- An Apprenticeship is P22/P22.2 The opportunity to apply these new skills in a real work environment (in a productive job role) through on-the-job training, which is the responsibility of the apprentice's employer.
- P36.2 The apprentice must work enough hours each week so that they can undertake sufficient regular training and any on-the-job activity (if required).
- P40.2 It is not on-the-job training, which is training received by the apprentice for the sole purpose of enabling the apprentice to perform the work for which they have been employed. By this we mean training that does not specifically link to the knowledge, skills and behaviours set out in the apprenticeship.
- Page 158 On-the-job training: Learning done during an apprentice's working hours to help them perform their job.

# Other Rule Removals

**P 82.** No longer require a brief description of the delivery model and mode of delivery [in the Training Plan] 'This should be clear from the other information included on the plan'.





**P96.** Providers are no longer required to ensure that their apprentice has not received a care leaver bursary previously.

Following the withdrawal of the ATA Register and the subsequent launch of the Register of Flexi-Job Apprenticeship Agencies, the ATA rules section has been removed.

Data Protection section will now be included in the provider funding agreement

# NEW RULES

# The Ina Discussion With The Employer And Apprentice

Para	Rule	ACTIONS
<p>P47 Page 24</p>  	<p>After completing the initial assessment, the provider <b>must discuss the outcome with the individual and their employer, so that all parties have a shared understanding of the results</b> and how these results will inform a tailored training plan. <b>This discussion can be virtual</b> (for example using 'Microsoft Teams')</p> <p><u>47.1 If the employer is unable to attend this discussion, the provider must give them the opportunity to contribute and send them the relevant information after the meeting, for review and signature. This should not be the default position; the employer must be part of the discussion in the majority of occurrences.</u></p>	<ul style="list-style-type: none"> <li><input type="checkbox"/> Consider whether you want to make this flexibility public- if so then update employer information employee hand books, advice to employers in their induction or other briefings</li> <li><input type="checkbox"/> brief teams he control off the special needs assessment process</li> <li><input type="checkbox"/> Update key performers indicated trackers to monitor with a portion of Tom the employer is not present</li> <li><input type="checkbox"/> Updates buying a forms with either a tick box or some way of recording whether the employer is present or not</li> <li><input type="checkbox"/> update monitoring to ensure that employees not present do not have assigned date all day at the meeting unless this is real</li> <li>➤ <b>Previously we have been advised that the meeting can take place as a 3 way e-mail over time - is this no longer the case ?</b></li> <li>➤ <b>What is 'the majority of cases'...? 51%..99% ?</b></li> </ul> 
<p>P48 Page 24</p> 	<p>This discussion must include the activities covered by the initial assessment (i.e. <u>learner eligibility, programme eligibility including the recognition of prior learning and experience, learning support (where the apprentice has given their consent for this to be shared with their employer)</u> and support for English and maths).</p>	<ul style="list-style-type: none"> <li><input type="checkbox"/> Update apprentice application form or ALS Assessment form to include an apprentice declaration that this information can/cannot be shared with the employer.</li> <li><input type="checkbox"/> Ensure that onboarding processes, templates and procedures allow for the production of different documents, for example Training Plan, Reasonable Adjustment Plan or other action plan arising where the apprentice does not give their consent and apprentice will need documentation that the employer cannot access.</li> </ul>

# The INA discussion must include roles and responsibilities

Para	Rule	ACTIONS
P49 Page 24	<p>49.The provider must also discuss and agree with the employer:</p> <p>49.1.That an apprenticeship is the most appropriate training programme for the individual;</p> <p>49.2.That all relevant prior learning and experience has been identified and properly accounted for in the design of the training plan;</p> <p>49.3.That the training plan aligns with an approved apprenticeship standard, at the most appropriate level;</p> <p>49.4.That the individual’s job role has a productive purpose and there is a direct link between the selected apprenticeship standard and the individual’s job role; and</p> <p>49.5.How all parties will work together to achieve the apprenticeship (i.e. roles and responsibilities of the provider, employer and apprentice).</p>	<ul style="list-style-type: none"> <li><input type="checkbox"/> Consider your end to end Application-skills scan/ INA-RPEL -Training Plan process. Does it need to be updated and changed now</li> <li><input type="checkbox"/> Update the Skill scan or initial needs assessment documentation to include roles and responsibilities (currently included in the training plan ) and the declaration set out in Para 49</li> <li><input type="checkbox"/> Streamline the forms and processes from employer declaration to Training Plan to remove duplication</li> <li><input type="checkbox"/> Update employer declaration to include or the bullet points in paragraph 49</li> <li><input type="checkbox"/> Update apprentice application form to collect <u>all</u> prior learning experience alongside <u>all</u> qualifications – if you're not already asked for job description and CV and ensure that these are considered, and documented as having been considered, by those conducting the RPEL assessment</li> <li><input type="checkbox"/> Update apprentice and employer application, INA, .skills scan guidance materials</li> <li><input type="checkbox"/> Brief teams or individuals accountable for checking all documents have been supplied prior to apprentice applications for progression onto their RPEL assessment</li> <li><input type="checkbox"/> Update apprentice application checklist to ensure that any new documentation and evidence is included</li> </ul>





This was a previous requirement of the training plan but after feedback, has been brought forward into the initial assessment section. This is so that all parties understand their roles much earlier in the recruitment process

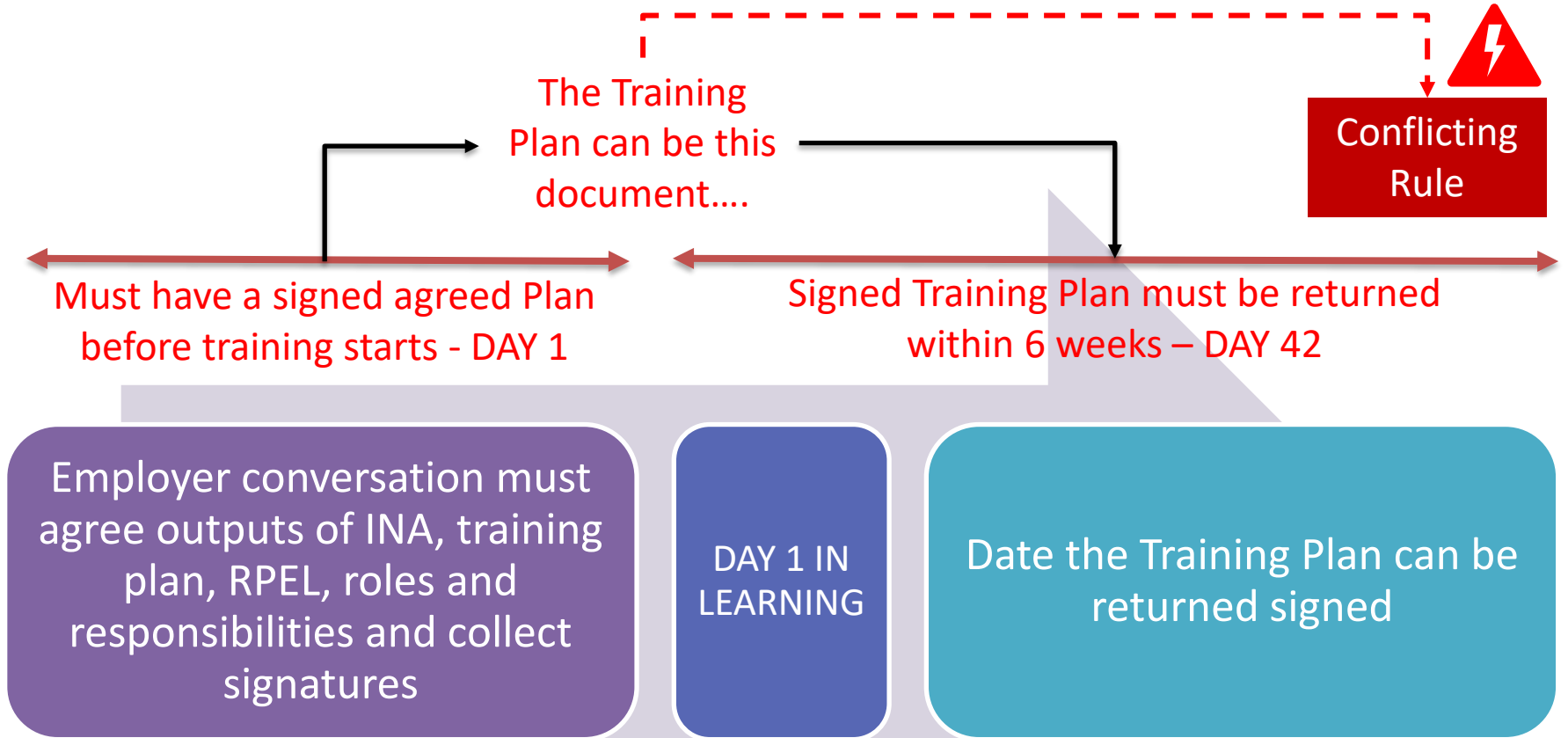


**This refers to the training plan not the skills scan – confusing two steps/reducing them to one**

# The Employer's Roles and Responsibilities


Para	Rule	ACTIONS
  	<p><b>50. The employer must agree to:</b></p> <p>50.1 Provide the individual with the appropriate support and supervision to carry out both their job role and their apprenticeship (including the end-point assessment);</p> <p>50.1 Release the apprentice for off-the-job training (and English and maths training if required), as documented in the training plan, <b>and take part or provide input into progress reviews; and</b></p> <p>50.2 Provide the apprentice with the opportunity and support to embed and consolidate the knowledge, skills and behaviours, gained through off-the-job training, into the workplace.</p>	<ul style="list-style-type: none"> <li><input type="checkbox"/> Update the training plan and skill scan INA and their signed declarations with the roles &amp; responsibilities set out in paragraph 50 – <b>Consider whether or not you wish to use the option set out in 50.1</b></li> <li><input type="checkbox"/> Streamline/ update/remove the roles and responsibilities included in the Training Plan to ensure that the terms in para 50 are included</li> <li><input type="checkbox"/> Consider bringing the INA Skills Scan and the Training Plan agreement together earlier in the onboarding process</li> </ul>

# Conflicting Rules - Onboarding Timetable





# EVIDENCE: INA

Para	EVIDENCE	ACTIONS
	<p>Where the employer is not able to attend the discussion, there must be evidence that they were given the opportunity to contribute and have been sent relevant information after the meeting, for review and signature.</p>	<ul style="list-style-type: none"> <li><input type="checkbox"/> Update INA processes and procedures to ensure that employers presence in the INA discussion ( or not ) has been recorded</li> <li><input type="checkbox"/> Update the declaration to confirm that employer signs to confirm that they were / were not present but they are content with the outcomes – i.e. Include the points set out in paragraph 49</li> <li><input type="checkbox"/> Update process and procedures to ensure that employer e-mail trails where they are not present in the meeting are collected, retained and filed with the signed INA/Training Plan</li> <li><input type="checkbox"/> Update evidence checklists to ensure that employees present in the meeting otherwise is clearly signed and relevant evidence exists update reporting to ensure that the proportion of employers who are present is recorded and that procedures allow for intervention oh this is not the case</li> <li><input type="checkbox"/> ensure that employer briefings and documentation reflects the decision to allow, or not to allow employers to be absent from INA discussions</li> <li><input type="checkbox"/> update employee engagement teams and onboarding teams with new processes and documentation</li> <li><input type="checkbox"/> Train onboarding teams on new process, evidence, documentation</li> </ul>



# EVIDENCE: INA

Para	EVIDENCE	ACTIONS
H	<p>[the Provider has] Taken account of relevant prior learning and experience, and relevant learning difficulties and / or disabilities, in the design and delivery of the apprenticeship and explained to the employer and apprentice how this information has informed a tailored training plan.</p> <p>Agreed with the employer the conditions listed in <b>paragraph 49*</b>.</p> <p>The employer has: Agreed to the conditions listed in <b>paragraph 50*</b>.</p> <p><b>*Agreement to these conditions can be embedded in the signed training plan.</b></p>	



# Apprenticeship Agreement

Para	Rule	ACTIONS
<p><b>P 55</b></p> <p><b>M</b></p>	<p>55. The provider must verify that the apprenticeship agreement is complete and has been signed by both parties (the employer and the apprentice). It is prohibited for someone to sign a contract, including an apprenticeship agreement, as both the apprentice and as the employer (even where a limited company, public services company, a partnership, or limited liability partnership has been created to act as a separate corporate entity). The provider must check that there is a separate, identifiable line manager who is undertaking the role of the 'employer'.</p>	<ul style="list-style-type: none"> <li><input type="checkbox"/> Instigate a hard stop process where the application does not pass if the AA is not signed by both parties - Get this signed at the skill scan</li> <li><input type="checkbox"/> Ensure that early discussions collect line manager names and make the role of the central lead vs line manger clear</li> <li><input type="checkbox"/> take care around standards that are in HR or training where this is a possible risk</li> <li><input type="checkbox"/> update process and procedures, include this statement in employer declaration / training plan signature</li> <li><input type="checkbox"/> update employer guidance</li> <li><input type="checkbox"/> brief employer engagement staff, enquiry teams and staff working with employers</li> </ul>

# Off-the-job Training

Para	Rule	ACTIONS
P 71 Page 37 	<b>Documenting off-the-job training</b> All planned off-the-job training activity (including shadowing / mentoring, where this is being used by the employer to deliver off-the-job training) must be agreed in advance of delivery and the provider must document the activity as part of the agreed training plan (for longer programmes see paragraph <a href="#">81.1.1</a> ).	<ul style="list-style-type: none"><li><input type="checkbox"/> Consider which apprenticeships tend to offer unplanned opportunities later in the programme e.g. for work based projects – can a no. of hours be quantified ?</li><li><input type="checkbox"/> If so update processes to ensure that this is quantified and planned with a revision to the Training Plan ahead of the year of delivery</li><li><input type="checkbox"/> Brief employer engagement and school teams to ensure the planning with employers takes place and accountability for this is clear</li><li><input type="checkbox"/> Track any apprenticeships with this type of plan to ensure this work takes place on time and documents are raised</li><li><input type="checkbox"/> Update apprentice tracking logs to ensure these apprentices are visible and monitored</li></ul>
	<b>P81.1.1</b> We accept that for longer apprenticeships (i.e. those over 12 months) full content details may not be known at the start. Where this is the case, the signed plan must list the total volume of planned hours (for the entire apprenticeship) with additional content information being added as this becomes available.	

# Off-the-Job Training



Para	Rule	ACTIONS
P 74 Page 37  	<b>Delivering Off-the-job training</b>  P74. The provider is ultimately responsible for the delivery of all off-the-job training, even if this training is delivered by another party. They must agree with the employer when, where and how the off-the-job training will be delivered. P74.1 The entire apprenticeship must not be fully delivered by self-directed distance learning. P74.2 Off-the-job training <b>must not</b> take place beyond the practical period, in the end-point assessment period of an apprenticeship	<ul style="list-style-type: none"><li><input type="checkbox"/> Review your subcontractor management processes in place-prepare for subcontractor audit e.g. conduct unannounced lesson observations</li><li><input type="checkbox"/> Help schools understand that a late finish means the apprentice is out of funding and costing money we cannot claim.</li><li><input type="checkbox"/> Raise as issues those standards where EPA is taking too long to arrange and take place, causing additional cost and time in further tri-partite progress reviews to prevent the apprentice from leaving before their EPA .</li></ul>

# Training Plan timelines




Para	Rule	ACTIONS
P 81 Page 41	<p><b>The Training Plan - signing timeline</b></p> <p>P81. The provider is responsible for agreeing a training plan with the apprentice and the employer. The apprentice and employer must be given the opportunity to contribute to this plan.</p> <p>P81.1 This plan must be agreed before any training is delivered. (this agreement can be virtual) with a fully signed version of the plan being in place <u>by the end of the 42 day 'qualifying day' period.</u></p>	<ul style="list-style-type: none"> <li><input type="checkbox"/> Crack open the Champagne</li> <li><input type="checkbox"/> Update evidence checklists with longer compliance window</li> <li><input type="checkbox"/> Identify whether you are meeting this window now and address the issues causing any major outliers to be very late / remain unsigned</li> <li><input type="checkbox"/> Brief onboarding staff with updated compliance timetable</li> <li><input type="checkbox"/> Consider for a microsecond whether to add this to employer and apprentice information about timelines for document return – decide not to do this</li> <li><input type="checkbox"/> Realise that if the Training Plan has to be the Skills Scan and RPEL you have already decided to bring the signature process earlier by several weeks, not later.</li> <li><input type="checkbox"/> However....</li> </ul>



# NEW RULES :’ Progress Reviews



Par a	Rule	ACTIONS
<p>P 83</p> <p>Page 43</p>  	<p><b>Progress Review Schedule &amp; Frequency</b></p> <p>The provider must undertake a progress review, to discuss the progress to date of the apprentice against their training plan, <b>at least 4 times per year. These must be carried out at least every 12 weeks, unless there is an evidenced delivery reason, such as module length, that means an alternative frequency is more appropriate</b></p> <p>Where an alternative frequency is applied, the provider <b>must be able to evidence that this has been agreed with the employer.</b></p>	<ul style="list-style-type: none"> <li><input type="checkbox"/> Consider whether this rule enables movement of planned tri-partite progress reviews to a <u>more relevant</u> pattern / timing in each apprenticeship Standard. Document this rationale, add this to the Training Plan</li> <li><input type="checkbox"/> Update Training Plan templates with the schedule/frequency and rationale</li> <li><input type="checkbox"/> Update apprentice and employer guidance, course handbooks with schedule of tri-partite progress reviews and rationale.</li> <li><input type="checkbox"/> Include an employer declaration statement that the employer accepts the alternative pattern of tri-partite progress reviews in the Training Plan</li> <li><input type="checkbox"/> Brief school programme administration, tri-partite progress reviewer teams, employer engagement teams with the changes in policy, practice and process</li> </ul>

# NEW RULES :’ Progress Reviews


Para	Rule	ACTIONS
 	<p>The review must be a <b>three-way discussion</b> involving the provider, employer and the apprentice. <b>Progress reviews can be virtual</b> (for example using ‘Microsoft Teams’).</p> <p>If the employer is unable to attend they must be given the opportunity to contribute and must also be sent relevant information after the meeting, for review and signature.</p> <p>This must not become the default position. The employer must attend, either physically or virtually, <u>in the majority of occurrences</u>.</p>	<ul style="list-style-type: none"><li><input type="checkbox"/> <b>Consider whether to add this to employer and apprentice information about their tri-partite progress review – we can chose to make this mandatory</b></li><li><input type="checkbox"/> <b>Update employer documentation to reinforce that attendance is required – and was agreed to in the Training Plan</b></li><li><input type="checkbox"/> <b>Update/ confirm processes for follow up employer action where they are not present</b></li><li><input type="checkbox"/> <b>Update review templates to included whether the apprentice was present or not. Ensure that this is clear.</b></li><li><input type="checkbox"/> <b>Update tracking for apprentices to ensure the employer meets the ‘majority’ test – e.g. 3 out of 4 annually</b></li><li><input type="checkbox"/> <b>Update apprenticeship tracking and monitoring processes / KPIs as part of governance oversight</b></li></ul> <p> <b>What does ‘in the majority of occurrences’ mean?</b></p>



# NEW RULES: BiL


Para	Rule	ACTIONS
P222 Page 68 	<b>The 4 week BiL</b> P222 The provider must use a break in learning where there is no plan for any active learning to take place <b>within a calendar month</b> (see paragraph <u>75</u> ).	<input type="checkbox"/> Consider whether this flexibility will help better pacing and spacing of blocks or other elements now that gaps can be almost 8 -9 weeks between active learning ‘events’
P75 Page 38 	P75. The provider is responsible for ensuring that there is a plan for active learning (off- the-job training or English / maths training) to take place in every calendar month of the practical period (from the learning start date to the learning actual end date); this is to keep the apprentice engaged and working towards the achievement of their apprenticeship. 75.1 A break in learning must be used where there is no plan for active learning to take place within a calendar month. The only exception to this is for those apprentices with a term-time only contract, where we do not require a break in learning for the month of August (i.e. the summer holiday period). 75.2 Active learning does not need to be face to face delivery by the provider; it can include any activity that has been agreed and documented as part of the agreed training plan. 75.3 Training can still be front-loaded at the beginning of the apprenticeship, delivered in ‘blocks’, or delivered around employer peak periods, provided there is planned learning activity every calendar month in order to keep the apprentice engaged. 75.4 If planned off-the-job training is unable to take place as scheduled, the provider must ensure that this is re-planned so that the full content of the training plan can still be delivered. &5.6When the training documented on the training plan is complete, the practical period is complete.	<input type="checkbox"/> Update validation guidance and document templates <input type="checkbox"/> Update programme guidance, apprenticeship plan, training plan templates, guidance for employers, apprentices, handbooks <input type="checkbox"/> Brief teaching, employer engagement and staff involved in the planning of learning <input type="checkbox"/> Update checklists – create a new set of compliance documents for this year <input type="checkbox"/> Make a note of which cohorts are under which rules – ensure that school/programme admin and central teams are aware of which compliance rules apply to which apprentices/cohorts

# NEW RULES: Subsidy Control



Para	Rule	ACTIONS
P153 - 156  Page 24  	<p><b>Subsidy control</b></p> <p>P153. Funds received by providers from an employer’s apprenticeship service account (including government top-ups to funds), government-employer co-investment and additional payments <b>do not fall within the scope of subsidy control from 1 August 2023 to 31 July 2024.</b></p> <p>P 154. Waiving of the employer contribution for small employers is likely to amount to a subsidy. The subsidy control rules will therefore apply to such cases. For more information on subsidy control, please visit the <a href="#">UK subsidy control regime guidance</a> on GOV.UK.</p> <p>P155. <b>Transfers of funds between employers also engage the subsidy control rules.</b> For any transfer an employer receives, a percentage of the transferred funds will count towards the employer’s Minimal Financial Assistance (MFA) exemption. This percentage represents the amount of co-investment the employer would have otherwise had to contribute towards the apprenticeship, if funds had not been transferred.</p> <p>155.1 The provider must ensure the employer completes a MFA declaration for relevant funding they receive as a result of the waiver of the employer contribution for small employers and transfers.</p> <p>P 156. If providers become aware that an employer exceeds their Minimal Financial Assistance exemption of £315,000 over a rolling 3 year period, they must contact us.</p>	<ul style="list-style-type: none"> <li><input type="checkbox"/> <b>Review and update all documentation relating to employer eligibility and funding</b></li> <li><input type="checkbox"/> <b>Update employer documentation, handbooks, templates and guidance for employer eligibility</b></li> <li><input type="checkbox"/> <b>Update website information for employers</b></li> <li><input type="checkbox"/> <b>Brief employer engagement and employer facing staff plus staff engaged in eligibility decisions and employer onboarding</b></li> </ul>
	<p><b>Evidence requirements</b></p> <p>Where applicable (for waiving of the small employer contribution and transfers), <b>the employer must give a Minimal Financial Assistance declaration to their provider.</b></p>	<ul style="list-style-type: none"> <li><input type="checkbox"/> <b>Update evidence checklists</b></li> </ul>

# NEW RULE:

## Additional payments for employers, providers and apprentices

Para	Rule	ACTIONS
P 93.1 Page 54 	93.1 Apprentices, who start their apprenticeship on or after 1 August 2023, are eligible to receive a £3,000 bursary if they have been in the care of a UK local authority [as defined below].	<ul style="list-style-type: none"><li><input type="checkbox"/> Update apprentice and employer Bursary materials</li><li><input type="checkbox"/> Update documentation and templates for onboarding, application and bursary claims</li><li><input type="checkbox"/> Update website</li><li><input type="checkbox"/> Brief employer engagement staff, schools and other staff who may become aware of a care leaver's status.</li><li><input type="checkbox"/> Update finance to ensure payments are tracked and reconciled.</li></ul>

# 'NEW RULES: Parental Leave KITs


Para	Rule	ACTIONS
P 236.5.1 Page 94 	<b>Maternity, adoption and shared parental leave</b>  A break in learning must be used to pause funding if there is a <b>clear calendar month</b> between two KIT / SPLIT days.	<ul style="list-style-type: none"><li><input type="checkbox"/> Update Parental Leave information for apprentices and employers</li><li><input type="checkbox"/> Update templates, documents and guides, handbooks and website</li><li><input type="checkbox"/> Brief tri-partite progress review leads and other staff likely to be in discussions or asked about this topic</li></ul>  <b>clarify what is intended by 'a clear calendar month' – this is different wording to the 'one calendar month' term used elsewhere.</b>

# CLARIFICATIONS


# CLARIFICATIONS: The Apprenticeship Agreement

Para	Rule	ACTIONS
P 55 Page 29	<p>55. The provider must verify that the apprenticeship agreement is complete and has been signed by both parties (the employer and the apprentice).</p> <p>56. If the apprenticeship agreement is incomplete, or not signed, the individual will not have a valid agreement and the provider will therefore not be eligible to receive funding for them. The apprenticeship agreement must include:</p> <p>56.1 The apprentice’s details (name, place of work);</p> <p>56.2 The apprenticeship standard and level;</p> <p>56.3 The start and end date of the apprenticeship (these dates include the end- point assessment);</p> <p>56.4. The start and end date of the practical period (this is the part of the apprenticeship where evidenced learning is delivered; these dates do not include the end-point assessment);</p>	<p><input type="checkbox"/> See earlier</p>
P55	<p><b>Lawful Wage</b></p> <p>If an employer does not pay an apprentice a lawful wage, the individual is ineligible to receive apprenticeship funding.</p>	<p><input type="checkbox"/> Collect apprentice contracts and include an apprentice and an employer declaration that includes their wage on the application, employer contract or other prominent place – check both wage amounts tally</p> <p><input type="checkbox"/> Update evidence checklists</p>

# CLARIFICATIONS




Para	Rule	ACTIONS
P 65 Page 33 	<b>Zero Hours Apprentices and Minimum Duration</b> Any apprentice, including those who are part-time or on a zero hours contract, can complete their programme earlier than their learning planned end date, provided the minimum duration (12 months) and the minimum off-the-job hours for the actual time in training have been met.	<input type="checkbox"/> Update guidance for employers and apprentices <input type="checkbox"/> Update practice and procedures for tracking part time apprentices to take opportunities to enable them to finish their programme early
P 69 Page 36	P69/P69.2. [When calculating the required amount of off-the-job training, the apprentice's <a href="#">statutory leave entitlement</a> must be deducted] The apprentice's own annual leave entitlement, which may be higher than the statutory leave allowance, must not be used in the calculation.	<input type="checkbox"/> Update / strengthen apprentice and employer guidance on the impact of their longer leave on their apprenticeship <input type="checkbox"/> Ensure application fields and guidance are clear on the difference where actual leave data is requested <input type="checkbox"/> Ensure staff are aware of the process for using statutory leave when apprentice start mid year and are calculating statutory leave correctly <input type="checkbox"/> Conduct a sample check of OTJL hours to confirm calculations are correct

# CLARIFICATIONS: Ineligible OJT/Funding'



Para	Rule	ACTIONS
<p>P 68</p> <p>Page 35</p> <div data-bbox="79 396 208 522" style="border: 1px solid black; border-radius: 50%; width: 40px; height: 40px; display: flex; align-items: center; justify-content: center; margin: 10px;"> <span style="font-size: 24px; font-weight: bold;">L</span> </div> <div data-bbox="83 729 195 829" style="border: 1px solid black; border-radius: 50%; width: 40px; height: 40px; display: flex; align-items: center; justify-content: center; margin: 10px;">  </div>	<p><b>Off-the-job training</b></p> <p>68. The provider must ensure that the following activities are <b>not</b> included as off-the- job training:</p> <p>68.1 Initial assessment and onboarding activities;</p> <p>68.2 English and maths training (where this is required, this must be delivered in addition to the minimum off-the-job training requirement);</p> <p>68.3 Training to acquire knowledge, skills and behaviours that are not required by the apprenticeship standard;</p> <p>68.4 Progress reviews;</p> <p>68.5. On-programme assessments linked to a qualification;</p> <p>68.6 Revision, examinations and other testing; and</p> <p>68.7 Training which takes place outside the apprentice’s normal working hours;</p> <p style="padding-left: 40px;">68.7.1 If off-the-job training must, by exception, take place outside of these hours, the apprentice must agree and be compensated for this arrangement (e.g. time off in lieu or an additional payment). The majority of the training must not be delivered in this way.</p>	<ul style="list-style-type: none"> <li><input type="checkbox"/> Update advice and process for identifying off the job learning eligible for including within the costed programme, list of eligible costs</li> <li><input type="checkbox"/> Review apprenticeship costings to confirm that this costing element has not been included</li> <li><input type="checkbox"/> Update costing / eligible costs sections in the employer services agreement/ contract</li> </ul>




# 'RULE CLARIFICATIONS: Ineligible Costs

Para	Rule	ACTIONS
P 90.2 Page 51 	<b>Ineligible Costs</b> P90.2 Personal protective clothing / uniforms and safety equipment required by the apprentice to carry out their day-to-day work.	<ul style="list-style-type: none"> <li><input type="checkbox"/> Update costing model and guidance</li> <li><input type="checkbox"/> Update 'eligible inclusions list in contract with employer</li> </ul>
P90.8 Page 52 	90.8 Capital: 90.8.1 Capital purchases including lease agreements. Capital purchases are long-term assets that would have a lifespan beyond the apprenticeship being funded, such as land, buildings, machinery and ICT equipment (e.g. tablets and similar electronic devices and the purchase / set-up costs of an MI / e-portfolio system). 90.8.2 Maintenance of capital purchases and component parts. This includes machinery / vehicle parts and labour, insurance and servicing / MOT. 90.8.3 Depreciation.	<ul style="list-style-type: none"> <li><input type="checkbox"/> Ensure those accountable for costing models are aware of the latest rules on eligible and ineligible costs.</li> <li><input type="checkbox"/> Update validation or other documents and guidance where costing are submitted</li> <li><input type="checkbox"/> Brief schools and academic staff most likely to be engaged in costing activity</li> </ul>
<b>TO NOTE</b> P91 Page 53 	P91 The ineligible costs listed [above] must not be included by the provider in the price that they agree with the employer. P91.1 If the provider (main provider) chooses to use the profit (surplus) that a commercial provider can legitimately earn from eligible costs), on any of these activities, they can choose to do so.	

# 'RULE CLARIFICATIONS: EPA

Para	Rule	ACTIONS
P 105 Page 59 	Where an apprentice has changed employer after they have completed all the training and reached gateway, including where the new job role is not related to the apprenticeship, they may complete the end-point assessment in agreement with the end-point assessment organisation and the provider that it can be satisfactorily taken and paid for.	<ul style="list-style-type: none"> <li><input type="checkbox"/> Update process and procedures</li> <li><input type="checkbox"/> Update employer and apprentice material and guides</li> <li><input type="checkbox"/> Ensure EPAO for integrated are aware and update EPAO policy/ procedure</li> </ul>
P106 Page 60 	An apprentice may change end-point assessment organisation once assessment has started. This must be agreed with both the employer and provider providing the satisfactory withdrawal from the original end-point assessment organisation as per the contractual agreement. The employer may choose to re-negotiate the price of the end-point assessment with the new EPAO. However, if the overall price is more than the maximum funding band for the standard, then the employer must pay in full the difference between the band maximum and the total negotiated price.	<ul style="list-style-type: none"> <li><input type="checkbox"/> Brief Employer engagement and school apprenticeship leads, tri-partite progress review leads , finance</li> </ul>

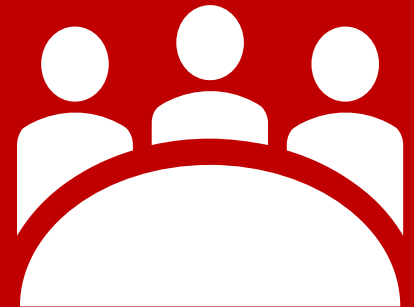
# 'RULE CLARIFICATIONS: Price

Para	Rule	ACTIONS
P 134.4 Page 65 	The funding bands and the standards placed within them, may be subject to change. Any change will only apply to new starts and not apply to apprentices already engaged on the apprenticeship.	<input type="checkbox"/> Brief academic, employer engagement, planning and those staff engaged in costings and forecasting so that they are aware of the timetable of funding band reviews that may affect their standards.

# Funding Rules 2023/2024

## CONSULTATION Breakout Groups

- Download the Issues List from the Dashboard
- 20 mins Discussion
- Take notes / be ready to feedback
- 10 min warning then 20 second warning
- PLENARY



# Break Out Groups

## 1. Feedback on the Changes

- Which changes will be most beneficial ?
- Do you have any concerns about any of the rule changes ?
- Why-what is the impact of this change?

## 2. Proposals

- What are your suggestions for changes that the ESFA could make to the Funding Rules next draft mitigate any issues identified?
- Are there any wider changes that would help to implement in the next 12 months?

# RESOURCES & NEXT STEPS



# In Support



Funding Rules Final Version

May ..?



Final Funding Rules Webinar

June



UVAC Training Plan Template

June



UVAC Contract Templates

June



Tri-partite Review Template

July



Skills Scan Agreement Template

July

**UVAC**

UNIVERSITY VOCATIONAL AWARDS COUNCIL

# Questions & Further Information



Queries and Questions  
about the Funding Rules  
to: [r.rhodes@bolton.ac.uk](mailto:r.rhodes@bolton.ac.uk)



Today's Listen Again  
Webcast



- ESFA Funding Rules webpage [HERE](#)
- Funding Rules 2023/2024 [HERE](#)
- Summary of Changes [HERE](#)
- Feedback views directly to the ESFA by Friday 28<sup>th</sup> April [HERE](#)

UVAC Documents :

- [Annotated employer Leaflet Draft](#)
- [Annotated Rules](#)
- [Annotated Summary of Changes](#)
- [Evidence Summary](#)

## RECORDING TIMESTAMPS

1. Introduction & Overview	00:00
2. New Rules	00:13:04
3. Clarifications	00:53:16
4. Discussion - Impact & Priorities	1:19:35

**FUNDING RULES**  
**FINAL VERSION**  
**WEBCAST**  
**Friday 19th May**  
**9.30 – 11.00**  
**REGISTER HERE**